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EXAMINER

ANDERSON, MICHAEL J

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

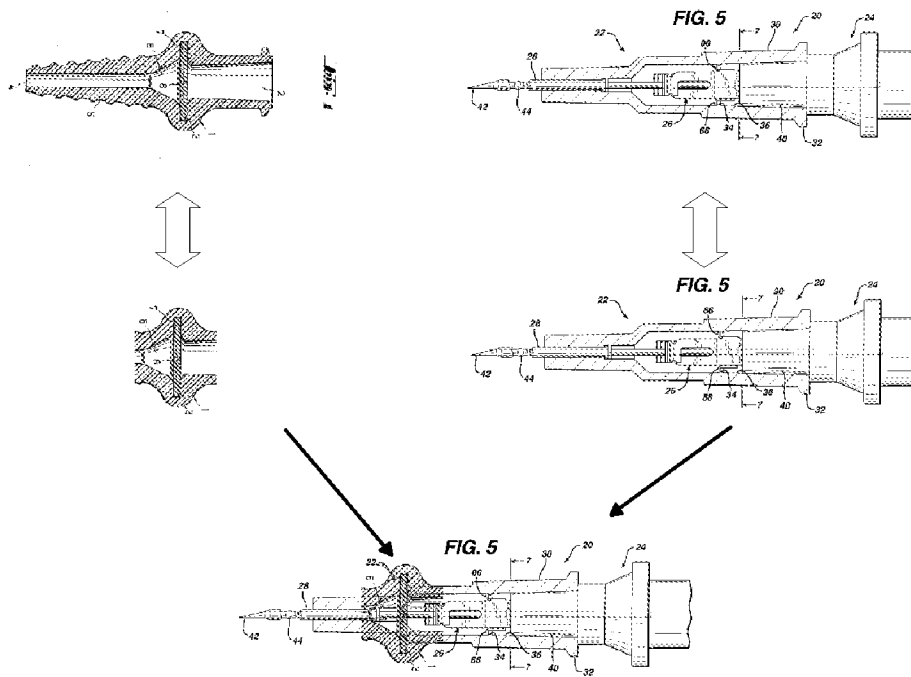
Applicant's arguments filed 6/25/2009 have been fully considered but they are not persuasive.

With regards to applicants' arguments concerning claims 10 and 11, *"the examiner did not separately set forth the reasons other than merely repeating claim 10 within the text of the office action "*. See rejections of claim 10 and 11 and note *(line 2, (as for the claims above, namely claims 1, 5 and 9))* which is in addition to the text of the claims.

To address applicants' arguments with regards to claim 1, note the Examiners "combo device" (see figures below) is not as depicted by applicants arguments on 6/25/2009 regarding the "combo device" figure on page 13.

Analysis:

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With regards to applicants' arguments concerning claims 1, the 103(a) rejections states "....However, *Bialecki* does not disclose wherein a check valve is disposed between the catheter tube and the needle guard element in the catheter hub through which the hollow needle extends in, the ready position and which automatically closes after the removal of the needle, and wherein the check valve remains in the catheter hub when the hollow needle is removed from the catheter hub and the catheter tube. *Tauschinski* discloses (figures 1-4) a check valve (7) for use in the distal end of a catheter hub (1). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the catheter hub of *Bialecki* (*Bialecki* has space between the guard and the catheter tube as seen in figure 5) as disclosed by *Tauschinski* for providing a **self** sealing valve to block fluid flow.

As for applicants' arguments, the combination of Bialecki and Tauschinski discloses *"wherein a check valve is disposed between the catheter tube and the needle guard element in the catheter hub through which the hollow needle extends in the ready position:"* and *"wherein the check valve remains in the catheter hub when the hollow needle is removed from the catheter hub and the catheter tube"*.

In response to applicant's argument that the combined components of Bialecki (figure 1 above) and Tauschinski (figure 5 above), are not compatible, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

With regards to applicants' arguments concerning claim 5, see actuating element (10) of Bialecki.

With regards to applicants' arguments concerning claim 6, 15 and 19, and the amended requirement of "two proximally extending legs". It is noted that applicants' specification does not disclose "**legs**" or "two proximally extending **legs**". Therefore, Bialecki (figure 1 above) and Tauschinski (figure 5 above) meets the requirements of the claims as claimed.